

New
Mexico
Intimate
Partner
Violence
Death
Review
Team

Annual Report

2009

The 2009 Annual Report includes a description of the Intimate Partner Violence Death Review Team and its activities as well as a compilation of information collected and recommendations published by the team from its review of calendar year 2006 cases.

**Findings &
Recommendations
from CY2006
Intimate Partner
Violence Deaths**

December 18, 2009

The Honorable Bill Richardson
Governor of the State of New Mexico
State Capital Building, 4th Floor
Santa Fe, NM 87503

Governor Richardson:

On behalf of the entire Intimate Partner Violence Death Review Team (Team), I am pleased to present this year's Annual Report to you. In addition to a description of the Team's 2009 activities, this report outlines findings and recommendations based on our team's review of New Mexico's intimate partner violence related deaths that occurred in 2006.

The Team, comprised of numerous statewide and community organizations, is grateful to you and the New Mexico legislature for the opportunity to continue the important work of reviewing domestic and sexual violence related deaths. In reviewing these deaths, the Team identifies gaps in the responses to domestic and sexual violence at the community and statewide levels as well as creates solutions for positive change for victims of domestic and sexual violence. The Team's ultimate goal is the prevention of all future domestic and sexual violence-related injury and death.

The Team's work is conducted on behalf of and in memory of domestic and sexual violence victims and the family members who suffer their loss. Our wish is that our reviews and our subsequent recommendations improve responses to victims of domestic and sexual violence and ultimately prevent future injury and death associated with this violence.

The members of the Team wish to thank you for your commitment to addressing domestic and sexual violence in New Mexico and hope that you and other stakeholders will use this report to implement changes in policy and practice that will result in the successful elimination of this type of violence in New Mexico.

Sincerely,

Quintin McShan

Quintin McShan, Chair
Captain, New Mexico State Police

cc: New Mexico Legislature
Justice Edward L. Chávez, Chief Justice of the NM Supreme Court
John Denko, Secretary of Public Safety
Dorian Dodson, Secretary of Children, Youth and Families Department
Alfredo Vigil, MD, Secretary of Health
Kristy Ring, Crime Victims Reparation Commission
Gary King, Attorney General

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EXECUTIVE SUMMARY

A young female had just broken up with her boyfriend on the front porch of her mother's home when he pulled a knife out of his pocket and stabbed her nine times. She was airlifted to a hospital where she died later that night. The victim was a recent high school graduate who had earned a scholarship to college.

The New Mexico Intimate Partner Violence Death Review Team (Team) is a multi-disciplinary group of professionals who meet monthly to review deaths such as the one above. This is one of the twenty-two deaths that the Team reviewed throughout 2009. When the Team meets each month, our members are reminded of the importance of the work that we, and countless others across the state and nation, do both individually and collectively to protect victims of domestic and sexual violence. We are, unfortunately, also reminded of the work left to accomplish.

This year, the Team tackled a bit of this work, creating committees and educating ourselves about special topics and current events. The Team also learns from each of the cases we review. The Team reviews deaths consecutively by calendar year after they are officially determined a 'closed case' (fully investigated and, if appropriate, prosecuted).

In 2009, the Team reviewed the intimate partner violence related deaths that occurred in calendar year 2006. The following are the prominent findings and recommendations from the Team:

- **Finding: *Professionals often have interaction with victims prior to their death.***
It's important that they have the necessary education and knowledge to assess the threat that victims of intimate partner violence face.
- **Recommendation: *The Team recommends that legislators explore all options to assist law enforcement and other professionals to better assess the threats that victims are facing.*** One such tool is the Uniform Domestic Violence Report that contains a list of questions to help first responders assess the threat to victims upon first report to law enforcement. This report should become mandatory for all law enforcement officials in the state to utilize when responding to victims of domestic violence or stalking. Another tool is to reduce caseloads for judicial

professionals by narrowing the definition of 'household member' in the Family Violence Prevention Act (both civil and criminal sections). Fewer cases involving cousins or siblings in those caseloads can mean more time to devote to analyzing the circumstances and facts of the intimate partner cases.

- **Finding:** *23% of all intimate partner violence homicides (5 cases) involved teens under the age of 18.*
- **Recommendation:** *Promote opportunities for children and youth to receive education on dating violence, domestic violence, sexual assault and stalking.*
In particular, legislators should take advantage of mandatory health education requirements in public schools and ensure these topics are included in the curriculum for those mandates.
- **Finding:** *Three intimate partner violence related deaths (14%) involved victims over the age of 80.*
- **Recommendation:** *Educate elder service professionals, victims, and the community at large about the prevalence and dynamics of elder abuse and to call 1-866-654-3219 to report adult abuse, neglect and exploitation.*

ACKNOWLEDGEMENTS

The New Mexico Intimate Partner Violence Death Review Team is grateful to Governor Richardson and the New Mexico Legislature for affording us the opportunity to continue the important work of reviewing domestic and sexual violence related deaths in the state.

The Team also wishes to thank:

- Larry Tackman, former Director, and Sheila Allen, VAWA Grant Manager, of the New Mexico Crime Victims Reparation Commission (CVRC), as well as the entire staff and board of the CVRC, for supporting the work of the Team.
- Quintin McShan, New Mexico State Police, and the Albuquerque Family Advocacy Center for providing our Team with a place to meet each month.
- Rebecca Montoya and Wayland Davis, of the New Mexico Office of the Medical Investigator, for assistance in data collection necessary for the case reviews.

The Team's coordinator, Sandy Bromley Gachupin, is grateful for the writing contributions and/or editorial assistance provided by the entire Team for this report. In particular, Ms. Bromley wishes to thank Dr. Laura Banks, Gabriel Campos, Dr. Cameron Crandall, Tammy Fisher, Dominic Gachupin, Anthony Louderbough, Quintin McShan and Karen Wyman.

Ms. Gachupin also wishes to thank each of the Team's members and other criminal justice professionals across the state of New Mexico who assisted with the record collection and analysis necessary to conduct effective reviews.

Finally, this report is written, and the Team's work is conducted, on behalf of and in memory of, domestic and sexual violence victims and the family members who suffer their loss. Our wish is that our reviews and our subsequent recommendations improve responses to victims of domestic and sexual violence and ultimately prevent future injury and death associated with this violence.

ABOUT THE NEW MEXICO INTIMATE PARTNER VIOLENCE DEATH REVIEW TEAM

The New Mexico Intimate Partner Violence Death Review Team is authorized by NMSA 1978 §31-22-4.1 in order to:

- 1. Review the facts and circumstances of domestic violence related homicides and sexual assault related homicides in New Mexico,***
- 2. Identify the causes of the fatalities and their relationship to government and nongovernment service delivery systems, and***
- 3. Develop methods of domestic and sexual violence prevention.***

The Intimate Partner Violence Death Review Team (Team), also known as the Domestic Violence Homicide Review Team, is a statutory body enabled by the New Mexico Legislature under NMSA 1978 §31-22-4.1. The Team is funded through the Crime Victims Reparation Commission with the task of reviewing the facts and circumstances surrounding each intimate partner violence related death that occurs in the state of New Mexico.

Types of Deaths Reviewed

The Team only reviews closed cases and does not attempt to re-open the investigations of those deaths. Closed cases are those where the offender is dead or has been convicted of the death and most or all criminal appeals have expired. When a reasonable amount of time has passed since the death, the Team also reviews those cases that are classified as unsolved by law enforcement or where an offender was never criminally charged for the death.

The manner of death is classified by the Office of the Medical Investigator (OMI) as homicide, suicide, accidental or undetermined. The majority of the cases the team reviews fit into the following categories:

- Homicide committed by current or former intimate or dating partners, whether male or female
- Homicide with a sexual assault component
- Suicide by a victim of prior domestic violence
- Suicide by an offender of domestic violence (even if the victim survives) when the suicide is related to domestic or sexual violence or stalking
- Homicide of the offender if related to domestic violence or stalking (officer-involved shootings or bystander interventions)
- Accidental death from asphyxiation, toxicity, or overdose

where there is a history of domestic or sexual violence or stalking

- Homicide of any child, family member or bystander killed during a domestic violence or stalking incident

Case Review Process

For each death, the Team, through its staff, collects consistent case data, including demographic information, autopsy reports, criminal and civil court histories of the victim and the offender, other known history of intimate partner violence, information regarding the legal or advocacy services that the victim sought or utilized prior to their death, media reports, and the details of the time frame prior to or following the death as they relate to the intimate partner violence involved in the case.

At each Team meeting, members first learn the details of the death in a report containing the above listed information. Then members and invited guests contribute any additional information they may know about the death. For this additional information, the Team often asks for assistance from the agencies and individuals who work in the jurisdiction where the death occurred, sometimes the same individuals or agencies that investigated that death or worked with the victim or the offender in that case. The Team benefits from learning about the local environment surrounding the case, including the traditions or customs of that community, the practices of their criminal justice professionals and the attitudes and beliefs held by their community members.

Team members make note of the patterns and trends they observe throughout the cases as well as any known risk factors for the victim or the offender involved in the death. These risk factors include prior history of violence or abuse, pregnancy, alcohol or drug use, mental health conditions, suicidal expressions, recent separation and many others.

Team members then determine which legal or advocacy systems that the victims or the offenders were involved with prior to and following the death. These systems can include:

- a. the criminal justice system (law enforcement, district attorneys, courts, judges, corrections, or probation and parole),
- b. the mental health system (both governmental and non-profit mental health agencies),

- c. the social services system (health departments, social service departments, child and family services, non-profit victim service agencies, shelters or income assistance agencies),
- d. the education system (public schools, private schools, higher educational institutions), and
- e. other systems the victim or the offender may have been in contact with prior to or following the death.

In establishing the systems that the victim or the offender engaged, the Team then evaluates the system's response to the victim prior to the death and to the offender prior to and following the death. For example, once the Team learns that the victim was in high school and had confided in a school counselor prior to her death, the Team ascertains whether the counselor had any training to address dating violence, whether the counselor knew of the resources that were available to that victim in their community and whether that counselor felt comfortable

responding to the victim. The answers to those questions will help the Team make recommendations for improvement or change to that system's response to intimate partner violence victims. For the above example, the Team may recommend that all school counselors receive training on dating or sexual violence or that each public school should conspicuously post a list of community resources for dating or sexual violence victims.

These recommendations are not made to point fingers or to shame any one individual or organization. In fact, the Team's philosophy prevents it [see Sidebar]. Instead, the recommendations are collected throughout the year and are not attributed to any one specific case or jurisdiction when the Team lists their recommendations, either in this Annual Report or in any other document.

Team Philosophy

The Team recognizes that offenders of domestic violence and sexual assault are ultimately responsible for the death of their victims.

Therefore, when identifying gaps in service delivery or responses to victims, the Team chooses not to place blame on any professional agency or individual but rather learn from our findings in order to better understand the dynamics of domestic and sexual violence and how to prevent future associated deaths.

Team Committees

The Team employs working committees to assist with carrying out the team's goals and objectives, including following up on recommendations made during case reviews. There are currently three committees of the Team: (1) the Native American committee, (2) the Friends & Family committee, and (3) the Marginalized Populations committee.

The Native American committee collaborates with tribes and Native American organizations from across the state in an effort to facilitate reviews of intimate partner violence deaths that occur on tribal lands. The Team recognizes and honors the sovereignty of Native American tribes. Therefore, when reviewing cases of intimate partner deaths that occur on tribal lands, the team will ensure that there is at least one tribal representative at the review and will not review the case if the tribe objects to the review or any part of its process. The Native American committee also assists the team by providing specialized assistance, education and insight when the team reviews cases involving either Native American victims or Native American offenders occurring outside of tribal lands.

The Friends & Family committee was developed in response to the team's desire to acquire additional information for case reviews. The team determined that information gathered from people who knew the victim or the offender would be helpful to have a more complete understanding of the cases. The Friends & Family committee is tasked with developing a protocol for contacting people who knew the victim or the offender, including surviving family members, friends, co-workers or others who may have helpful information for the team. Once the protocol is finalized and approved by the team, the Friends & Family committee will be responsible for contacting and interviewing these individuals (following the guidance of the protocol), gathering any additional information and presenting that information to the team when those cases are reviewed.

The Team recognizes that there are several populations who are underserved or marginalized in our society, such as people with disabilities, the elderly, minor children, people of color and many others. Therefore, the Marginalized Populations committee researches how these populations are affected by intimate partner violence (particularly through our case reviews) and creates strategies and recommendations to specifically address those populations and their

unique needs. As of November 1, 2009, the Marginalized Populations group is addressing three specific issues: elder abuse, teen dating violence and missing and trafficked/prostituted women.

Dissemination of Team Recommendations

Finally, each year the Team prepares an Annual Report for the Governor, the New Mexico Legislature, Cabinet Secretaries, other employees of state and local government and non-profit agencies and other interested persons. The Annual Report contains the Team's yearly activities as well as findings and recommendations from that year's case reviews. The Annual Report is also a tool for educating and informing the public about intimate partner violence and the potential lethality of domestic and sexual violence. The report is available on the Team's website (<http://hsc.unm.edu/som/programs/cipre/IPVDRT.shtml>). The website is an additional medium for providing information to the general public, as it also links visitors to each of our member agency websites, including available domestic and sexual violence resources in their community.

2009 TEAM ACTIVITIES

In addition to the tasks set out in the Team's enabling legislation, Team members created additional goals and objectives for the Team to achieve:

1. *Bearing witness to victim's stories and honoring their lives.*
2. *Identifying best practices for systems improvement and policy recommendations.*
3. *Evaluating Team recommendations for effectiveness (including documenting any positive change in system response).*
4. *Providing community outreach and public education regarding our findings and recommendations.*
5. *Increasing the knowledge base of Team members.*
6. *Facilitating communication among Team members and their respective agencies.*

In addition to reviewing deaths and fulfilling the additional tasks mandated by the New Mexico Legislature (see Attachment A), Team members created additional goals for themselves this past year. One of many goals (see Sidebar) is to increase the knowledge level of our members. There are several ways we work to increase educational opportunities for our members – through guest speakers, from each other in meetings and in committee work, and by traveling to different areas of the state for meetings.

We often bring in guest speakers to educate Team members about certain topics. In 2009, the Team hosted three guest speakers.

1. Kaydee Culbertson from the New Mexico Tribal-State Judicial Consortium spoke about the Consortium's initiative "Project Passport." This project encourages jurisdictions, both tribal and state, to adopt a uniform front page of their Orders of Protection, or other no-contact, orders. This standard first page will help law enforcement officers and other officials quickly identify, understand, and give facial validity to the Order of Protection when a victim presents an order for enforcement. This helps keep safe those victims who live or work near two different jurisdictions or those who travel between state and tribal lands. With a uniform first page, officials, regardless of the jurisdiction, will be able to recognize and respond to the victim's protective order and enforce it.

2. In conjunction with a death review, the Team invited the City of Albuquerque's Director of Public Safety, Pete Dinelli, and the City's Director of their 911 Call Center, Erika Wilson, to speak about a positive system change that occurred following a domestic violence related murder-suicide. In that case, the victim and the offender had recently ended their relationship. However, the victim was pregnant with the offender's child and had visited the offender's house to pick up mail and obtain some money the offender had been saving for the baby. The victim's friends were waiting outside the house.

“The call should have and could have been dispatched much quicker.”

- Albuquerque Police Department Chief Ray Schultz, Albuquerque Journal, October 4, 2006

When they heard screams and could not get a response from ringing the doorbell or knocking on the locked door, they called 911. The friends proceeded to call 911 several times for at least 2 hours. The 911 dispatcher did not, however, list the call as a priority. Due to the low priority rating, and because there were several other crimes occurring in the city at the same time, law enforcement did not arrive at the scene of the crime until much later – over two hours after the initial 911 call.

When law enforcement finally arrived, they found both the victim and the offender dead inside the offender's house. Investigators later determined that the offender had assaulted and shot the victim to death before he shot himself to death.

Following the murder-suicide, community members and media pointed to the delayed response time as a significant problem in the case. Fortunately, Albuquerque Police Department and the 911 Call Center took responsibility for the problem and began addressing the issue immediately. The City ordered a change in policy governing dispatch priority and hired a new Director of the 911 Call Center, Ms. Wilson, to revamp the Center to exceed national standards. The Team was fortunate to have Mr. Dinelli and Ms. Wilson attend our case review and give us an update on the changes that had already been implemented in the system. It is rare that the Team is able to report on such positive change so quickly, even before we have reviewed the case. It is helpful for

***“How was I to know those
would be the last words I
ever spoke to my
daughter?”***

- Victim's mom

Team members, and each of us, to be reminded that government and other systems are working hard for victims even if we don't always see it or hear about it.

3. Our third guest speaker also coincided with a death review. In that case, a young woman was run over by her boyfriend's truck as he was backing out

of a parking lot following a fight. In the prosecution of that case, the offender pled to vehicular manslaughter. As a part of that plea, the offender agreed to participate in a restorative justice circle. A restorative justice circle is a process where the victim's friends and family, the offender and their friends and family, the criminal justice professionals who investigated and prosecuted the case, and other community members meet to address the harm caused by the crime to each of those parties. Thom Allena, the professional who facilitated the circle in this case, spoke to the Team about the general process of a restorative justice circle and the outcomes of the circle in this case. Mr. Allena described how each of the parties in that circle reported benefitting from and learning from the process. This was the first time many of the Team members learned about restorative justice circles and, following the guest lecture, the Team engaged in significant discussion on the appropriateness of the circles in intimate partner violence cases.

The Team works hard to ensure that we are learning not only from each of the deaths, but also from each other and the legal and advocacy systems we represent. Throughout the year, the Team requests that special topics are placed on the agenda for members to consider and discuss at our meetings. One of these special topics this past year involved the 'West Mesa murders.' In February 2009, law enforcement discovered the bodies of 11 women and one unborn child in a dirt field on the west side of Albuquerque. While police are still searching for the person or persons they believe killed all of these women, details about the women began coming out through media reports shortly after the discovery. Many of the women had been reported as missing for approximately 4 – 5 years and there were many reports about the women being involved in criminal activity such as drug abuse and prostitution at the time they

went missing. Team members expressed concern about the way these victims were being discussed in the media, particularly considering our understanding of the connection between women who are victims of intimate partner violence and sex trafficking and/or prostitution - that victims can be trafficked by their offenders into sex work or turn to prostitution as a source of income when they escape a violent relationship. We also know that many victims also use drugs or alcohol in order to cope with the trauma associated with violence or are forced to use drugs or alcohol as a part of the controlling patterns of their offenders. While ultimately, the Team does not know what each of these women experienced in their lives—whether they were victims of violence or not—we concluded that these women don't deserve to be discussed so unfavorably upon their death, nor do their families deserve to listen to it. One of our recommendations, therefore, addresses this issue by

suggesting that media entities receive training about intimate partner violence and the effects of that violence on victims. The Team also tasked the Marginalized Populations committee with monitoring the West Mesa cases and the potential connections with intimate partner violence.

Team members also learn from other professionals when we travel to different locations to hold our Team meetings. In June, the Team held an extended Team meeting in Socorro, New Mexico. The Team was hosted by the New Mexico Institute of Mining and Technology (known as New Mexico Tech) and we invited guests from Silver City, Las Cruces and Socorro to attend the meeting in order to assist the Team with reviewing cases from those jurisdictions. It is helpful for Team members to see the communities where the deaths occurred and speak with community professionals about available services in that area and the responses the victims likely faced when reporting violence to those service agencies.

The victims' families say that despite the rocky paths the women may have taken while they were alive, it doesn't mean they don't deserve justice after their deaths.

"Number one, she was a human being, she was a beautiful human being," said [the victim's father]."

- AMW.com

CY2006 NEW MEXICO INTIMATE PARTNER VIOLENCE RELATED DEATHS

The Team reviewed 22 New Mexico deaths associated with intimate partner violence from the calendar year 2006. The following are notable findings from those 22 cases:

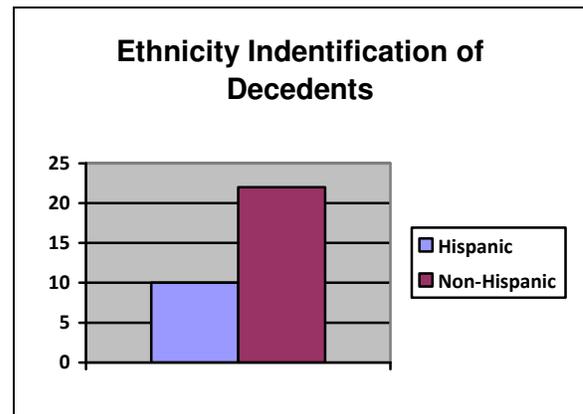
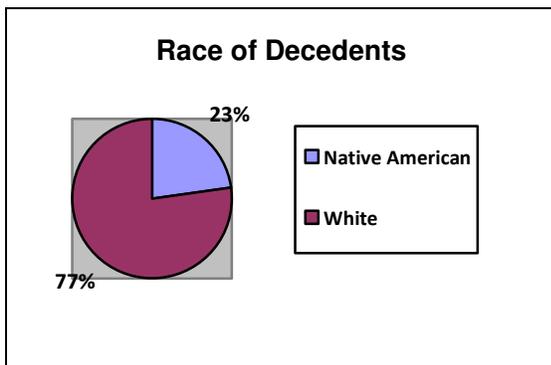
Crime Associated

- **21** cases are domestic violence or stalking related (or involved current intimate partners)
- **1** case is sexual assault related

Death Information

- **22** total deaths associated with intimate partner violence
- Race of decedents*:
 - White: **17** (10 identified as Hispanic)
 - Native American: **5**

** Race and ethnicity listed according to identification in the state's autopsy report.*

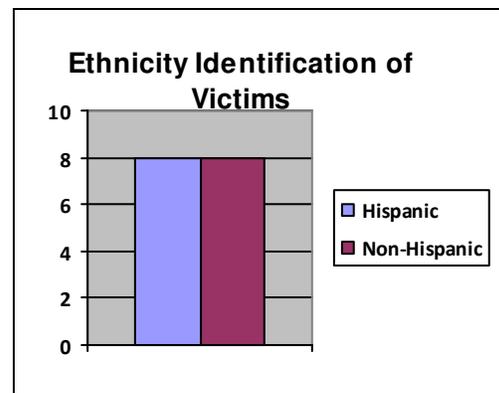
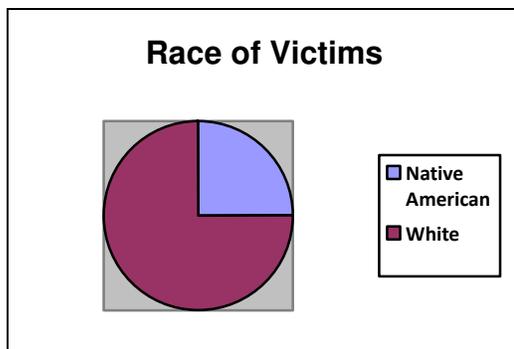


Victim Information

- **16** victims of intimate partner violence related homicide
 - Victim Gender:
 - **13** homicide cases (**81%**) involve **female** victims
 - **3** homicide cases (**19%**) involve **male** victims
 - 2 killed by female partners during physical altercation
 - 1 died due to health complications from a decades-old domestic violence incident



- Race of victims:
 - White: **12** (**8** identified as Hispanic)
 - Native American: **4**



A relationship of 8 years, including a long history of domestic violence, ended when the woman shot and killed her boyfriend after he repeatedly hit her and then punched her 16-year old son. The boyfriend had been arrested multiple times for domestic violence charges against her. She shot him in their home as he was kicking out the back door of the house to chase after her. When law enforcement responded, the woman was waiting calmly and simply stated, "[he] can hurt me, but no one hurts my babies."

- Victim Age:
 - Average age of homicide victims: **39**
 - Homicide victims ages ranged from **13 years old through 82 years old**
 - Teen Homicide Victims: **5** homicides (**23%**) involve victims aged 18 and under
 - Elder Cases: **3** deaths (**14%**) involved victims over the age of 80

An elderly man suffering from dementia killed first his wheelchair bound wife, then himself. They were found by their son who reported that his father was distraught over not being able to take care of his wife. They had been happily married for many years with no reports of prior domestic violence.

- Pregnancy as Risk Factor: **2** cases (**9%**) involved women who were pregnant at the time of their murder; a third case involves a woman who thought she was pregnant (ruled out during autopsy).

Offender Information

- **6** deaths involve *male offenders* killed during domestic violence incidents
 - **2** offenders committed suicide following their murder of their intimate partner
 - **3** offenders killed by on duty law enforcement during a domestic violence incident
 - **1** offender killed by a family member during a domestic violence incident
- Offender Age:
 - Average age of offenders: **36**
 - Offender's ages ranged from **14 years old to 82 years old**

Separation violence

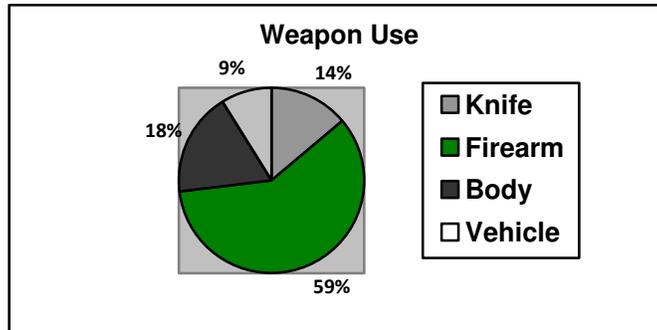
- **6** deaths (**27%**) occurred while the victim and offender were separating or separated (broken up, breaking up, getting a divorce, etc.).

Murder-Suicides

- **2 cases (9%)** involve a male offender committing suicide after killing a female victim.

Weapons used in Homicide

- Knife: **3 cases (14%)**
- Firearm: **13 cases (59%)**
- Body (Hands/feet): **4 cases (18%)**
- Vehicle: **2 cases (9%)**



Death Location

Victim's home: **2**

Offender's home: **3**

Shared home with offender: **8**

Public location (public parking lot/road/dirt lot = 7; courthouse = 1; nursing home = 1): **9**

Number of Intimate Partner Violence Deaths by County:

Bernalillo – 8

Grant – 1

San Juan – 3

Dona Ana – 1

McKinley – 2

Chaves – 1

Cibola – 1

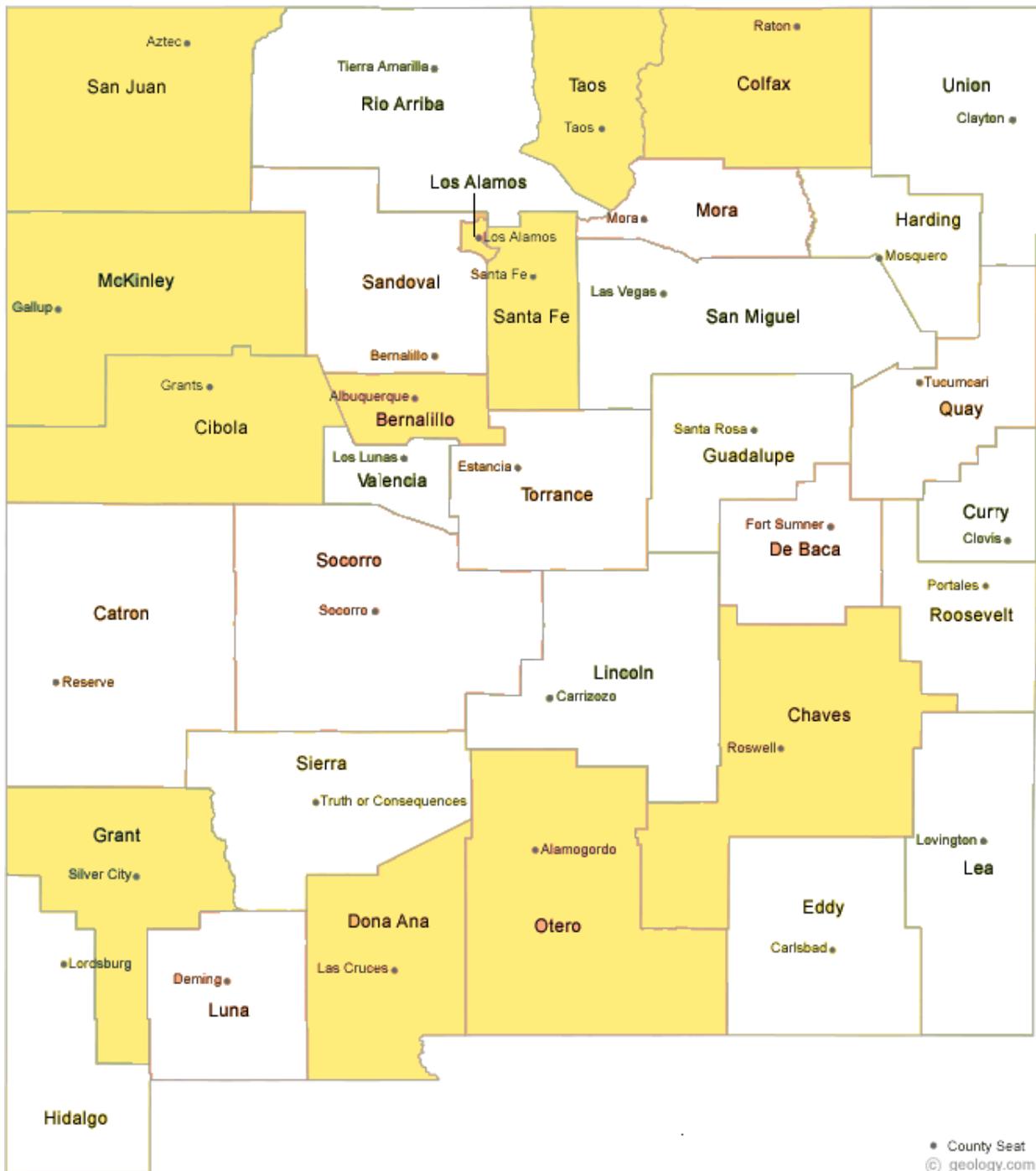
Otero – 1

Santa Fe – 1

Mexico (resident of Luna) – 1

Taos – 1

Colfax – 1



Intimate Partner Violence Deaths by County
(shaded = at least one death occurred in that county)

2009 TEAM RECOMMENDATIONS

At monthly Team meetings, the review process stimulates significant discussion about specific case facts and associated system responses. Each Team member submits detailed written recommendations following every review. Throughout the year, these comments are collected and compiled. At the end of the calendar year, the Team organizes the recommendations into three categories—legislative, policy and systems—and the Team votes on the most pressing or relevant recommendations to include in the Team’s Annual Report. The following are the Team’s recommendations for 2009:

I. Legislative Recommendations

- a. Improve criminal justice professionals’ ability to better assess the threats that victims of intimate partner violence face.** The Team recommends that legislators explore all options to assist law enforcement and other professionals better assess the threat that victims are facing. One such tool is the Uniform Domestic Violence Report that contains a list of questions that helps first responders assess the threat to victims upon first report to law enforcement. This report should become mandatory for all law enforcement officials in the state to utilize when responding to victims of domestic violence or stalking.

A second way to improve threat assessment abilities would be to increase the intimate partner violence educational opportunities available to all professionals who interact with victims. Many professionals, such as attorneys, law enforcement officers, social workers and therapists, have continuing education requirements to maintain their licenses. The Legislature should ensure that all state continuing educational requirements include training on intimate partner violence, including domestic violence, sexual assault and stalking.

- b. Create New Mexico legislation that mirrors Federal legislation (18 U.S.C. 922 (d) and (g)) regarding offender’s possession of firearms while subject to an order of protection or once convicted of a misdemeanor domestic violence offense. In addition, explore the option of building local gun repositories to store confiscated firearms.** The Team found that a firearm was used in 59% of all

intimate partner violence related deaths. While there are Federal laws in place that mandate that domestic violence offenders who are subject to an order of protection or convicted of a misdemeanor offense turn over their firearms, many law enforcement officials report that they have little recourse when an offender does not turn over the firearm and that they often don't confiscate those firearms due to a lack of storage for the confiscated firearms. State legislation will reinforce the importance of getting firearms out of the hands of these offenders and could provide resources for the storage of those weapons.

- c. **Promote opportunities for children and youth to receive education on dating violence, domestic violence, sexual assault and stalking. In particular, legislators should take advantage of mandatory health education requirements in public schools and ensure these topics are included in the curriculum for those mandates.** As 23% of all intimate partner violence homicides involved teens under the age of 18, it is imperative that young people learn about the dangerous and sometimes lethal consequences of dating violence.

II. Policy Recommendations

- a. **Educate elder service professionals, victims, and the community at large about elder abuse and to call 1-866-654-3219 to report adult abuse, neglect and exploitation.** Three intimate partner violence related deaths (14%) involved victims over the age of 80. Elder abuse is still a vastly underreported crime. Many professionals working with this population—adult protective service workers, home health aides, medical professionals, and others—don't receive training on the dynamics and prevalence of elder domestic abuse and many victims and their family members don't know where to turn when they are experiencing this abuse. Victim serving agencies and criminal justice professionals should reach out to these people to provide education about and outreach to this underserved population.
- b. **Educate the public, through media outlets, about intimate partner violence and its effects on our communities.** Often, we think of intimate partner violence occurring 'behind closed doors.' However, 40% of the intimate partner violence

related deaths occurring in 2006 actually occurred in public locations. This finding reminds us that it is the responsibility of all community members to respond to intimate partner violence. Community members are bystanders to this violence and often times report that they knew it was happening, sometimes even report they believed the violence would end up in a death, yet felt too unprepared or uneducated to respond. Victim serving and criminal justice agencies should work with the media on providing free, public education on intimate partner violence and effective methods of prevention and intervention of that violence.

III. Systems Recommendations

a. Law Enforcement

- **Improve law enforcement officers' ability to assess the threat that victims of intimate partner violence face.** An increase in the required amount of continuing education for law enforcement professionals is one step towards improving the responses of officers towards victims of violence. Another step is utilizing the Uniform Domestic Violence Report (*referenced* in Legislative Recommendations) when responding to victims of domestic and sexual violence.
- **Increase the presence of law enforcement officers in the most rural areas of New Mexico.** A few of the cases the Team reviewed involved rural areas where only one officer was on duty at the time of the death. Law enforcement agencies, with the assistance of the legislature and state government, should seek additional resources to procure more officers for these areas.

b. Victim Serving Agencies

- **Coordinate and cross-train with elder services professionals and agencies to ensure elder victims have access to all appropriate services available to them.** Learning about all the available services in our communities helps elder

service agencies provide more comprehensive and supportive assistance for victims of violence.

c. Prosecution

- **Develop stronger policies regarding the prosecution of intimate partner violence cases.** Include in those policies the goals of elevating domestic violence charges to felonies when possible, removing firearms from offenders, and taking statutory rape charges more seriously (as the Team has found that the age differential/power differential often contributes to dating violence).

- **Hold offenders accountable post-conviction.** Once prosecutors are notified of a violation of a parole or probation condition, they should file charges against the offender for the violation and ensure that there is some accountability for the offender's actions.

d. Courts

- **Reduce the caseloads of the Domestic Violence Special Commissioners.** Increasing the number of available Commissioners will reduce their caseloads and give each Commissioner more time to fully respond to the case presented to them.
 - **Another way to reduce caseloads for the Commissioners and for Judges is to narrow the definition of 'household member' in the Family Violence Prevention Act (both civil and criminal sections).** Fewer cases involving cousins or siblings in those caseloads can mean more time to devote to analyzing the circumstances and facts of the intimate partner cases.

- **Offer applications for protective orders in both English and Spanish.** New Mexico is a culturally diverse state and the court forms should reflect that diversity by providing documents in at least two of the predominant languages used in the state.

- **Post domestic and sexual violence community resource information in clerk's offices.** People petitioning for protective orders can learn where to go for additional assistance and services.
 - **Educate all judges on domestic and sexual violence, the effects of violence on children, elder abuse and other special populations affected by intimate partner violence.** Judges should be informed on dating violence, stalking, the use of technology in these cases, and many other cutting edge topics that will enable them to make informed, safety-conscious decisions.
 - **Order domestic violence offender treatment consistently for convicted offenders of domestic violence.** Probation officers should also enforce that order and hold offenders who are not following the treatment protocols accountable.
- e. **Post-Conviction Professionals (Corrections, Parole & Probation)**
- **Reduce caseloads for post-conviction professionals who work with intimate partner violence offenders.** The Team has found that these offenders need to be closely supervised and must also be held accountable if they are violating any conditions of their release. Post-conviction professionals must have a reduced caseload in order to properly monitor and respond to these offenders.
- f. **Medical**
- **Educate all medical professionals, regardless of the population they serve, on intimate partner violence and elder abuse.** Medical professionals are often first responders to victims who seek treatment of injuries related to intimate partner violence. Training these professionals can help them respond more effectively to victims, including providing quality threat assessment and resources for victims.

**Attachment A: Statutory Authority for the
Intimate Partner Violence Death Review Team**

(also known as the Domestic Violence Homicide Review Team)

NMSA 1978 §31-22-4.1: Domestic violence homicide review team; creation; membership; duties; confidentiality; civil liability.

- A. The "domestic violence homicide review team" is created within the commission for the purpose of reviewing the facts and circumstances of domestic violence related homicides and sexual assault related homicides in New Mexico, identifying the causes of the fatalities and their relationship to government and nongovernment service delivery systems and developing methods of domestic violence prevention.
- B. The team shall consist of the following members appointed by the director of the commission:
- (1) medical personnel with expertise in domestic violence;
 - (2) criminologists;
 - (3) representatives from the New Mexico district attorneys association;
 - (4) representatives from the attorney general;
 - (5) victim services providers;
 - (6) civil legal services providers;
 - (7) representatives from the public defender department;
 - (8) members of the judiciary;
 - (9) law enforcement personnel;
 - (10) representatives from the department of health, the aging and long-term services department and the children, youth and families department who deal with domestic violence victims' issues;
 - (11) representatives from tribal organizations who deal with domestic violence; and
 - (12) any other members the director of the commission deems appropriate.
- C. The domestic violence homicide review team shall:
- (1) review trends and patterns of domestic violence related homicides and sexual assault related homicides in New Mexico;
 - (2) evaluate the responses of government and nongovernment service delivery systems and offer recommendations for improvement of the responses;
 - (3) identify and characterize high-risk groups for the purpose of recommending developments in public policy;
 - (4) collect statistical data in a consistent and uniform manner on the occurrence of domestic violence related homicides and sexual assault related homicides; and
 - (5) improve collaboration between tribal, state and local agencies and organizations to develop initiatives to prevent domestic violence.
- D. The following items are confidential:
- (1) all records, reports or other information obtained or created by the domestic violence homicide review team for the purpose of reviewing domestic violence related homicides or sexual assault related homicides pursuant to this section; and
 - (2) all communications made by domestic violence homicide review team members or other persons during a review conducted by the team of a domestic violence related homicide or a sexual assault related homicide.

- E. The following persons shall honor the confidentiality requirements of this section and shall not make disclosure of any matter related to the team's review of a domestic violence related homicide or a sexual assault related homicide, except pursuant to appropriate court orders:
- (1) domestic violence homicide review team members;
 - (2) persons who provide records, reports or other information to the team for the purpose of reviewing domestic violence related homicides and sexual assault related homicides; and
 - (3) persons who participate in a review conducted by the team.
- F. Nothing in this section shall prevent the discovery or admissibility of any evidence that is otherwise discoverable or admissible merely because the evidence was presented during the review of a domestic violence related homicide or a sexual assault related homicide pursuant to this section.
- G. Domestic violence homicide review team members shall not be subject to civil liability for any act related to the review of a domestic violence related homicide or a sexual assault related homicide; provided that the members act in good faith, without malice and in compliance with other state or federal law.
- H. An organization, institution, agency or person who provides testimony, records, reports or other information to the domestic violence homicide review team for the purpose of reviewing domestic violence related homicides or sexual assault related homicides shall not be subject to civil liability for providing the testimony, records, reports or other information to the team; provided that the organization, institution, agency or person acts in good faith, without malice and in compliance with other state or federal law.
- I. At least thirty days prior to the convening of each regular session of the legislature, the domestic violence homicide review team shall transmit a report of its activities pursuant to this section to:
- (1) the governor;
 - (2) the legislative council;
 - (3) the chief justice of the supreme court;
 - (4) the secretary of public safety;
 - (5) the secretary of children, youth and families;
 - (6) the secretary of health; and
 - (7) any other persons the team deems appropriate.

Attachment B: Team Membership

The IPVDRT has two types of membership: *appointed members* and *invited members*. Each type of membership has certain responsibilities as a team member and must comply with all confidentiality and other legal and ethical requirements of the team.

The following are the Team's current *appointed members*:

- Medical Representatives
 - Dr. Ross Zumwalt, Office of the Medical Investigator
 - Dr. Cameron Crandall, University of New Mexico (UNM) Department of Emergency Medicine
- Criminologist Representative
 - Dr. Lisa Broidy, UNM's Institute for Social Research and Dept. of Sociology
- Victim Service Provider Representatives
 - Connie Monahan, NM Coalition of Sexual Assault Programs
 - Pamela Wiseman, NM Coalition against Domestic Violence
 - Doug Southern, Roswell Refuge (rural victim service provider)
 - Claudia Medina, Enlace Comunitario (immigrant victim service provider)
- District Attorney's Representative
 - Kelly Kuentler, Administrative Office of the District Attorney
- Attorney General's Representative
 - Michelle Garcia, Attorney General
- Civil Legal Services Representatives
 - Gabriel Campos, Legal Aid
 - Melissa Ewer, Catholic Charities VAWA Immigration Project
- Public Defender Representative
 - Hugh Dangler, Chief Public Defender
- Judiciary Representatives
 - Deborah Dungan, Administrative Office of the Courts
 - Judge Sandra Clinton, Bernalillo County Metropolitan Court
 - Judge Angela Jewell, 2nd Judicial District Court Domestic Violence Division
- Law Enforcement Representatives
 - Captain Quintin McShan, Department of Public Safety (*CHAIR*)
 - Detective Mark Myers, Las Cruces Police Department (local law enforcement representative)
- State Agency Representatives
 - Craig Sparks, Children, Youth and Families Department
 - Vicki Nakagawa, Department of Health
 - Anthony Louderbough, Aging & Long Term Services Dept. (*VICE-CHAIR*)
- Tribal Representatives
 - Evone Martinez, Coalition to Stop Violence Against Native Women
 - Francine Gachupin, Southwest Tribal Epidemiology Center
 - Beatrice Vigil, PeaceKeepers Domestic Violence Program, Eight Northern Indian Pueblos Council, Inc. (tribal victim service provider)
- Other Appointed Representatives
 - Sheila Allen, Crime Victims Reparation Commission
 - Joan Shirley, Community Representative
 - Sharon Pino, Domestic Violence Czar, Office of the Governor
 - Ella Frank, Adult Parole Board

The following are the Team's current *invited members*:

- Jolene Altwies, NM Attorney General (NMAG)
- Yvonne Archuleta, Albuquerque Police Dept. (APD)
- Carlos Argueta, APD
- Ann Badway, NMAG
- Doña Baldwin, Domestic Unity (formerly)
- Michael Bauer, UNM School of Medicine
- Mark Benford, 2nd Judicial District Attorney's Office (2nd DA)
- Pam Brown, NM Corrections Department (NMCD)
- Angela Campbell, Domestic Violence Resource Center (Albuquerque)
- Betty Caponera, NM Interpersonal Violence Data Central Repository
- Kristen Carmichael, Esperanza Shelter for Battered Families (Santa Fe)
- Frank Casaus, New Mexico State Police (NMSP)
- Efrain Centeno, Domestic Violence Resource Center (Albuquerque)
- Dominic Ciccone, APD
- Donald Clark, Indian Health Services
- Rosemary Cosgrove-Aguilar, 2nd Judicial District Court
- Teresa D'Anza, ABQ SANE Collaborative
- Sanjay Digamber, Office of the Medical Investigator (OMI)
- Mary Everett, UNM Hospital
- Joanne Fine, United Way
- Michele Fuller, S.A.F.E. House (Albuquerque)
- Dominic Gachupin, Jemez Pueblo Social Services
- Donald Gallegos, 8th Judicial District Attorney's Office
- Francine Garcia, NMCD
- Elena Giacci, Anti-Sexual Violence Specialist
- Beth Gillia, UNM Institute of Public Law
- Tish Goff, Five Stones International
- Kay Gomolak, COPE Inc. (Alamogordo)
- Alisa Hadfield, 2nd Judicial District Court
- Ann Henz, NMAG
- Carol Horwitz, Santa Fe Police Department
- Melanie Jacobs, Bernalillo County Sheriff's Department (BCSD)
- Julie Jessen, APD
- Darlene Reid Jojola, Urban Indian Advocacy Program
- Jeff Kellywood, OMI
- Anne Keener, NM Public Defender's Office
- Dale Klein-Kennedy, S.A.F.E. House (Albuquerque)
- Mark Kmatz, BCSD
- Barbara Lambert, Battered Family Services (Gallup)
- Toni Romero Lynn, NM Coalition against Domestic Violence (NMCADV)
- Alisha Maestes, 2nd DA
- Anthony Maez, NMAG
- Greg Marcantel, BCSD
- Cynthia Ulibarri, North Central Community Based Services (Chama)
- Jeff McElroy, 8th Judicial DA's Office
- Carol Merriweather, Crisis Center of Northern NM
- Thomas Moody, Roswell Police Dept.
- Sherry Mumford, Roswell Refuge
- Christine Murillo, Silver City Police Department
- Grace Nailor, CYFD

- Anna Nelson, NM Department of Health
- Erin Olson, New Mexico Legal Aid
- Amy Ortiz, 2nd DA
- Anita Perry, US Attorney's Office Victim Unit
- Paul Pino, Laguna Family Services
- Deborah Potter, 1st Judicial DA's Office
- Sophia Roybal-Cruz, CYFD
- Beth Sanchez, Sandia Pueblo
- Corrine Sanchez, Tewa Women United
- Gina Sanchez, Peacekeepers (formerly)
- Jennifer Searcy, ABQ SANE Collaborative
- Deborah Seeley, 2nd Judicial District Court
- Kristina Shelton, Haven House (Rio Rancho)
- Reed Sheppard, 2nd Judicial District Court
- David Sklar, UNM-EM
- Kyoko Sonoda, NM Asian Family Center
- Edna Sprague, 2nd DA
- Sherry Spitzer, NMCADV
- Joy Bell Tauber, Haven House (Rio Rancho)
- Rebecca Thomson, UNMH
- Victoria Saint Torrest, NM Probation
- Lydia Vandiver, ABQ SANE Collaborative
- Colleen Vigil, Jicarilla Apache Behavioral Health
- Jessie Wade, NM Probation
- Loudine Wanoskia, Jicarilla Apache Behavioral Health
- David Waymire, 2nd DA
- Desiree Weekoty, Coalition to Stop Violence Against Native Women
- Beverly Wilkins, Peaceful Nations/Indian Health Services
- Coleen Widell, HEAL, Inc. (Ruidoso)
- Karen Wyman, NMCADV

For more information or for additional copies, please contact:

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